

Wisconsin Department of Corrections Prison Rape Elimination Act 2018 Annual Report



DIVISION OF ADULT INSTITUTIONS
DIVISION OF JUVENILE CORRECTIONS



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Office of the Secretary
PREA Office

Inquiries regarding this report may be directed to the PREA Office:
DOCPREData@wisconsin.gov

State of Wisconsin
Department of Corrections

WISCONSIN DEPARTMENT OF CORRECTIONS

PREA: 2018 Annual Report

Division of Adult Institutions

Division of Juvenile Corrections

Table of Contents

Introduction _____	3
Definitions _____	3
Agency and Facility Achievements _____	4
2018 Sexual Abuse and Sexual Harassment Data _____	6
Annual Comparison Data _____	10
Contract Facility Sexual Abuse and Sexual Harassment Data _____	10
Looking Forward _____	11

INTRODUCTION

The State of Wisconsin is committed to preventing, detecting and responding to sexual abuse and sexual harassment in confinement. The Wisconsin Department of Corrections (WI DOC or agency) has a zero tolerance policy for sexual abuse and sexual harassment in all of its confinement facilities. This report is an overview of agency and facility aggregated data, achievements, and corrective action as it pertains to the Prison Rape Elimination Act (PREA).

BACKGROUND

The Prison Rape Elimination Act was signed into law in 2003 after unanimous support from Congress. PREA was the first federal law to address sexual abuse in confinement facilities. The federal law created the National Prison Rape Elimination Commission and charged it with developing standards for the elimination of sexual abuse and sexual harassment of inmates and youth in confinement.

The federal PREA standards were published on June 20, 2012 and became effective on August 20, 2012. There are four sets of standards which provide direction for adult prisons and jails, lockups, juvenile facilities, and community confinement facilities. The prisons and jails standards apply to the agency's 36 adult facilities while the juvenile facilities standards apply to the agency's two youth facilities.

PURPOSE

The Prison Rape Elimination Act requires that each agency collect accurate, uniform data for every allegation of sexual abuse at facilities under its direct control using a standardized instrument and set of definitions. The agency shall, then, aggregate the incident-based sexual abuse data at least annually and review it in order to assess and improve the effectiveness of its sexual abuse prevention, detection, and response policies, practices, and training. In addition to data pertaining to sexual abuse, WI DOC also compiles and publishes data pertaining to sexual harassment allegations.

This report is intended to:

- Identify any problem areas for the agency and facilities;
- Describe corrective action implemented by the agency and facilities;
- Compare the current year's sexual abuse and sexual harassment allegation data and corrective actions to the previous year; and
- Assess facility and agency progress in addressing sexual abuse and sexual harassment in confinement.

DEFINITIONS

CASE DISPOSITIONS

SUBSTANTIATED

An allegation that was investigated and determined to have occurred.

UNSUBSTANTIATED

An allegation that was investigated and the investigation produced insufficient evidence to make a final determination as to whether or not the event occurred.

UNFOUNDED

An allegation that was investigated and determined not to have occurred.

SEXUAL ABUSE

OFFENDER¹ ON OFFENDER SEXUAL ABUSE

Sexual abuse of an offender by another offender includes any of the following acts, if the victim does not consent, is coerced into such act by overt or implied threats of violence, or is unable to consent or refuse:

- 1) Contact between the penis and the vulva or the penis and the anus, including penetration, however slight;
- 2) Contact between the mouth and the penis, vulva, or anus;
- 3) Penetration of the anal or genital opening of another person, however slight, by a hand, finger, object, or other instrument; and
- 4) Any other intentional touching, either directly or through the clothing, of the genitalia, anus, groin, breast, inner thigh, or the buttocks of another person, excluding contact incidental to a physical altercation.

STAFF, CONTRACTOR OR VOLUNTEER² ON OFFENDER SEXUAL ABUSE

Sexual abuse of an offender by a staff member includes any of the following acts, with or without consent of the offender:

- 1) Contact between the penis and the vulva or the penis and the anus, including penetration, however slight;
- 2) Contact between the mouth and the penis, vulva, or anus;
- 3) Contact between the mouth and any body part where the staff member has the intent to abuse, arouse, or gratify sexual desire;
- 4) Penetration of the anal or genital opening, however slight, by a hand, finger, object, or other instrument, that is unrelated to official duties or where the staff member has the intent to abuse, arouse, or gratify sexual desire;
- 5) Any other intentional contact, either directly or through the clothing, of or with the genitalia, anus, groin, breast, inner thigh, or the buttocks, that is unrelated to official duties or where the staff member has the intent to abuse, arouse, or gratify sexual desire;
- 6) Any attempt, threat, or request by a staff member to engage in the activities described in paragraphs (1)-(5) of this section;
- 7) Any display by a staff member of his or her uncovered genitalia, buttocks, or breast in the presence of an offender; and
- 8) Voyeurism by a staff member.

Voyeurism by a staff member means an invasion of privacy of an offender by staff for reasons unrelated to official duties, such as peering at an offender who is using a toilet in their cell to perform bodily functions; requiring an offender to expose their buttocks, genitals, or breasts; or taking images of all or part of an offender's naked body or of an offender performing bodily functions.

SEXUAL HARASSMENT

OFFENDER ON OFFENDER SEXUAL HARASSMENT

Repeated and unwelcome sexual advances, requests for sexual favors, or verbal comments, gestures, or actions of a derogatory or offensive sexual nature by one offender directed toward another.

STAFF ON OFFENDER SEXUAL HARASSMENT

Repeated verbal comments or gestures of a sexual nature to an offender by a staff member, including demeaning references to gender, sexually suggestive or derogatory comments about body or clothing, or obscene language or gestures.

AGENCY AND FACILITY ACHIEVEMENTS

HISTORICAL

The Wisconsin Department of Corrections has been working to prevent, detect and respond to sexual abuse and sexual harassment in confinement for many years; long before the federal standards became effective. Since 2007, WI DOC has employed a full time PREA Director to coordinate and oversee the agency's implementation and compliance efforts. Additionally, each facility has a designated staff member who, in addition to their regular duties, is assigned as the PREA Compliance Manager and is responsible for facility-level compliance. Each facility has also designated a staff member who, in addition to their regular duties, is the Victim Services Coordinator. The Victim Services Coordinator is responsible for connecting victims to internal and external emotional support services and monitoring them for retaliation.

Training and technical assistance is fundamental to WI DOC and its PREA Office. For many years, WI DOC has educated staff, contractors and volunteers as well as outside stakeholders, including sexual assault service providers, law enforcement and prosecutors, on PREA and related policy application. The agency provides comprehensive PREA education to inmates and youth, which includes the distribution of a handbook detailing their rights, strategies to stay safe, a description of reporting methods and support resources. Further, WI DOC has encouraged staff members to participate in the National PREA Resource Center Auditor Trainings; the agency has sponsored the attendance of 26 staff members since the training's inception.

The agency has created multiple methods for staff and offenders to report imminent harm and incidents of sexual abuse and sexual harassment; two of those methods include internal and external reporting hotlines. Following a

report of sexual abuse, WI DOC has implemented coordinated response protocols, which includes maintaining evidence preservation kits, developing an integrated allegation and investigation tracking database, and collaborating with outside sexual assault service providers to provide emotional support to victims. All protocols and procedures are consistent with the PREA standards. Each policy is rooted in an effort to prevent, detect and respond to incidents of sexual abuse and sexual harassment and aligns with the agency's zero tolerance mission.

2018 ACHIEVEMENTS

In 2018, Wisconsin Department of Corrections continued to strengthen implementation and compliance efforts.

Agency accomplishments and corrective action during 2018 include:

- Hired three program and policy analysts (advanced) to strengthen compliance, training, and investigation efforts;
- Hired an office operations associate to convert paper investigative records to an electronic format;
- Hired a research analyst to train, evaluate and enhance an allegation and investigation tracking database (i.e. SINC);
- Implemented SINC in seven facilities;
- Regularly trained new employees, pre-service staff, youth counselors, agents, investigators and health service staff;
- Held five specialized investigator trainings wherein 117 staff members were trained to investigate allegations of sexual abuse and sexual harassment;
- Partnered with a county jail on a sexual abuse in confinement training series;
- Recorded Advocacy in Confinement webinar with Wisconsin Coalition Against Sexual Assault (WCASA);
- Developed *Victim Accompaniment Guide* in collaboration with WCASA;
- Sponsored three staff members to attend Department of Justice/PREA Resource Center Auditor Training;
- Hosted a PREA Compliance Manager workshop;
- Published bi-annual *PREA PAGE* newsletters;
- Finalized and posted *PREA 2016 Annual Report*;
- Implemented a revised inmate education video for male, female, and youth offenders, including Spanish and subtitled versions;
- Continued participation on county-based sexual assault response teams;
- Completed annual Bureau of Justice Statistics Survey of Sexual Victimization;
- Implemented a policy and procedure to monitor contracts for the confinement of offenders;
- Began conducting child abuse background checks;
- Reviewed facility staffing plans, in consultation with PREA Director;
- Continued a circular auditing consortium with Maryland, Michigan, and Pennsylvania;
- Audited 10 PA facilities and, in exchange, MA and MI audited 12 WI DOC facilities; and
- Procured the services of an external US DOJ certified auditor who audited three WI DOC facilities, which fell outside of the consortium agreement.

Facility accomplishments and corrective action during 2018 include:

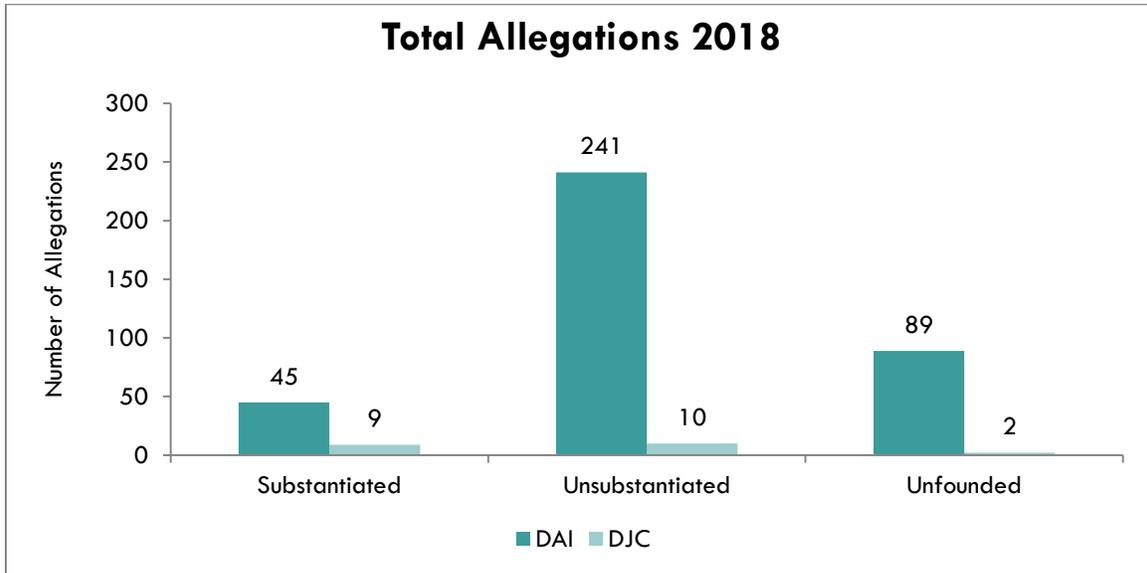
- Modified physical plant (i.e. windows, mirrored bubbles, office/bathroom structures) for greater visibility;
- Adapted (i.e. curtains, privacy film, remodeled physical structure) showering areas for greater privacy between inmates and to prevent cross-gender staff viewing;
- Opened or removed window coverings and/or doors from closets, offices, rooms, and hallways;
- Modified staffing patterns, traffic patterns and movement schedules;
- Installed additional locking mechanisms on doors and outbuildings;
- Adjusted camera angles, increased video recording retention periods and installed new cameras;
- Provided first responder refresher training;
- Formalized relationships between the facility and sexual assault service provider (i.e. MOU);
- Circulated cross-gender and transgender search procedure refreshers;
- Reviewed planned physical plant modifications/projects for compliance;
- Refreshed reporting and supporting posters;
- Offered specialized investigation training booster sessions;
- Strengthen inmate education procedures;
- Developed a referral process to rescreen victims and suspect for risk following substantiated and unsubstantiated sexual abuse investigations;

- Formalized retaliation monitoring procedures;
- Prioritized sexual abuse incident reviews;
- Enhanced cross-gender announcing procedures;
- Created facility-level procedures for SINC data entry;
- Installed additional inmate phones;

2018 SEXUAL ABUSE AND SEXUAL HARASSMENT DATA

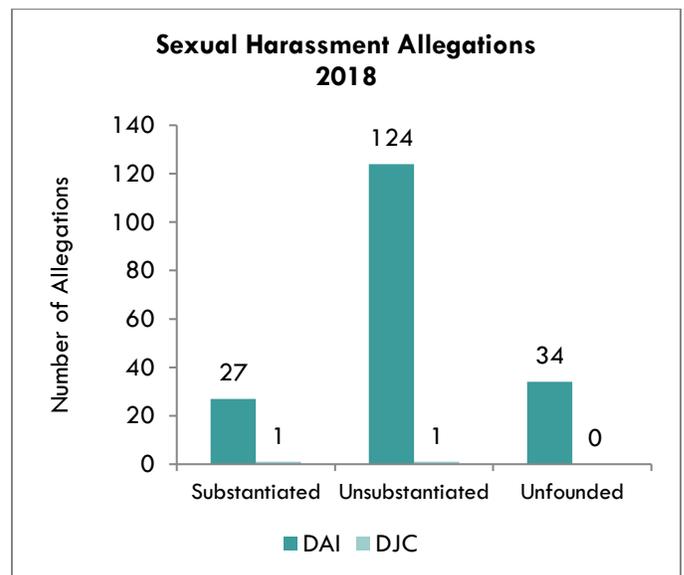
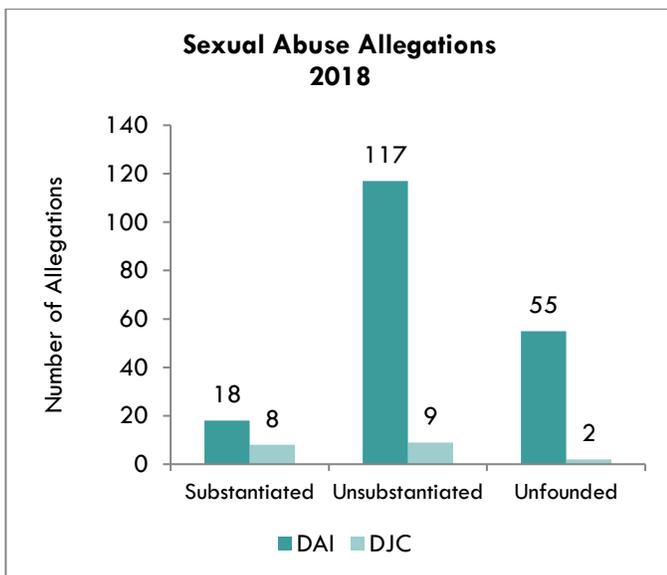
TOTAL 2018 ALLEGATIONS

In calendar year 2018 there were 396 allegations of sexual abuse or sexual harassment reported, as defined under PREA, within Division of Adult Institutions (DAI) and Division of Juvenile Corrections (DJC). Please note, when an incident involves both abuse and harassment, each type of misconduct is tracked as a separate allegation. The total number of allegations by disposition are:



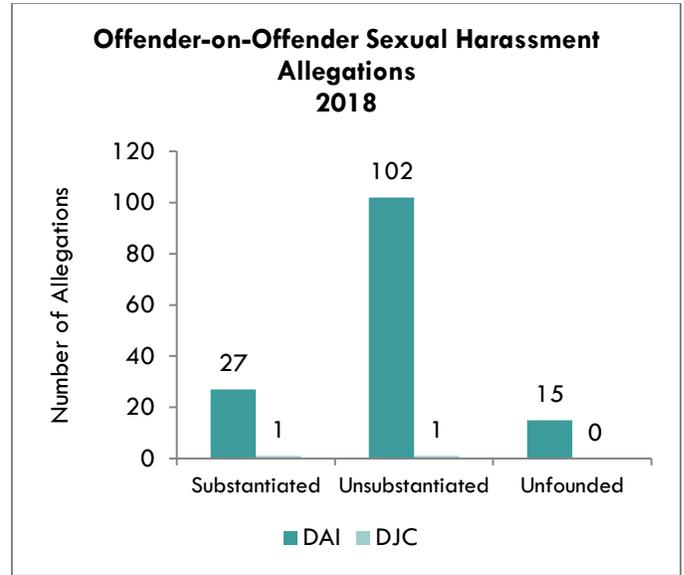
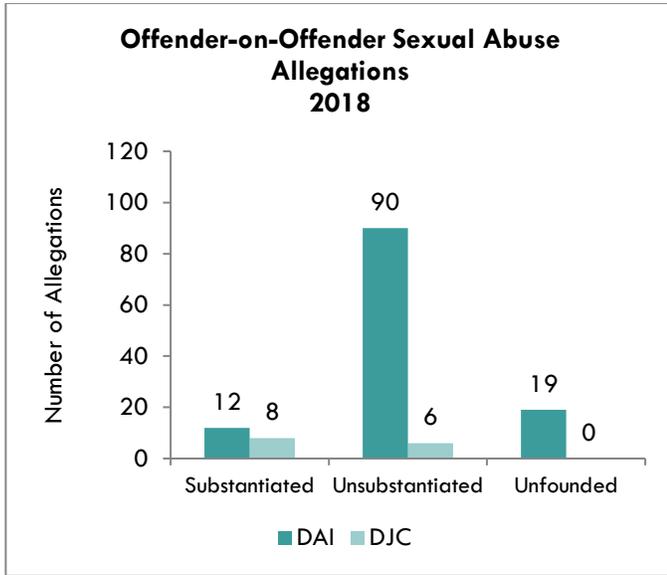
TOTAL SEXUAL ABUSE AND SEXUAL HARASSMENT ALLEGATIONS

The following two graphs illustrate the 396 reported incidents of alleged sexual abuse and alleged sexual harassment, by disposition and division, in 2018.



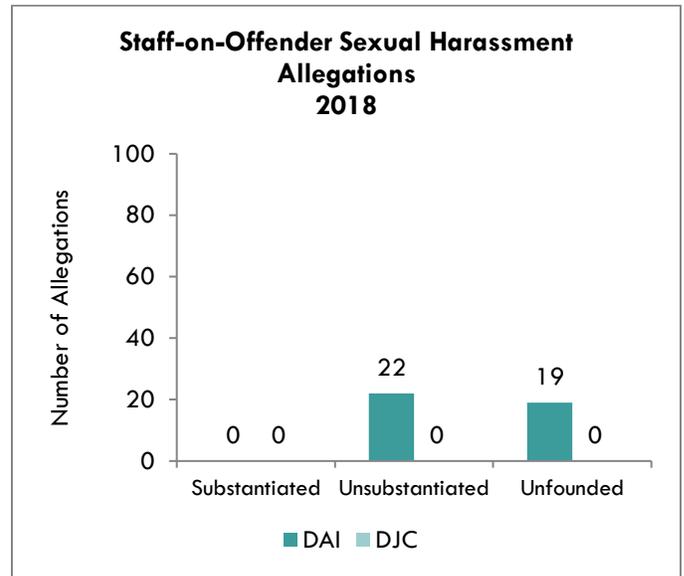
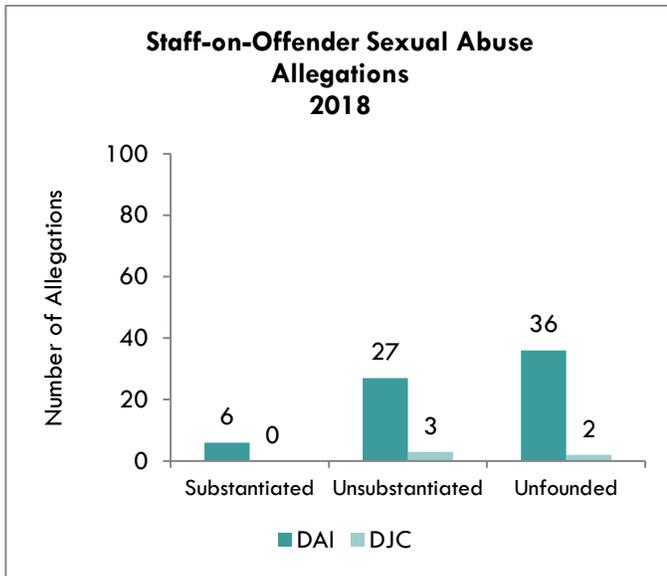
OFFENDER-ON-OFFENDER SEXUAL ABUSE AND SEXUAL HARASSMENT ALLEGATIONS

Of the 396 allegations that were reported in 2018, 71% (281) were offender-on-offender incidents. The following two graphs illustrate the reported incidents of alleged offender-on-offender sexual abuse and alleged offender-on-offender sexual harassment, by disposition and division, in 2018.



STAFF-ON-OFFENDER SEXUAL ABUSE AND SEXUAL HARASSMENT ALLEGATIONS

Of the 396 allegations that were reported in 2018, 29% (115) were staff-on-offender incidents. The following two graphs illustrate the reported incidents of alleged staff-on-offender sexual abuse and alleged staff-on-offender sexual harassment, by disposition and division, in 2018.



SEXUAL ABUSE AND SEXUAL HARASSMENT ALLEGATIONS BY FACILITY

The following two tables illustrate the reported incidents of alleged offender-on-offender and staff-on-offender sexual abuse and sexual harassment, by disposition and facility, in 2018.

2018 Total Offender-on-Offender Sexual Abuse and Sexual Harassment Allegations By Facility and Disposition				
Facility	Total	Substantiated	Unsubstantiated	Unfounded
Black River Correctional Center	0	0	0	0
Chippewa Valley Correctional Treatment Facility	7	1	6	0
Columbia Correctional Institution	12	0	10	2
Dodge Correctional Institution	49	6	40	3
Drug Abuse Correctional Center	0	0	0	0
Ethan Allen School ³	1	0	1	0
Felmers O. Chaney Correctional Center	0	0	0	0
Flambeau Correctional Center	0	0	0	0
Fox Lake Correctional Institution	11	2	9	0
Gordon Correctional Center	0	0	0	0
Green Bay Correctional Institution	13	0	10	3
Grow Academy ⁴	0	0	0	0
Jackson Correctional Institution	16	3	7	6
John C. Burke Correctional Center	0	0	0	0
Kenosha Correctional Center	0	0	0	0
Kettle Moraine Correctional Institution	6	1	4	1
Lincoln Hills/Copper Lake School ⁴	15	9	6	0
Marshall E. Sherrer Correctional Center	0	0	0	0
McNaughton Correctional Center	0	0	0	0
Milwaukee Secure Detention Facility	13	1	11	1
Milwaukee Women's Correctional Center	1	0	1	0
New Lisbon Correctional Institution	7	2	5	0
Oakhill Correctional Institution	4	0	3	1
Oregon Correctional Center	0	0	0	0
Oshkosh Correctional Institution	35	11	20	4
Prairie du Chien Correctional Institution	5	1	3	1
Racine Correctional Institution/ Sturtevant Transitional Facility	11	1	9	1
Racine Youthful Offender Correctional Facility	1	0	1	0
Red Granite Correctional Institution	10	3	6	1
Robert E. Ellsworth Correctional Center	7	2	4	1
Sanger B. Powers Correctional Center	0	0	0	0
St. Croix Correctional Center	0	0	0	0
Stanley Correctional Institution	2	0	1	1
Taycheedah Correctional Institution	25	3	19	3
Thompson Correctional Center	0	0	0	0
Waupun Correctional Institution	11	0	8	3
Winnebago Correctional Center	2	0	2	0
Wisconsin Resource Center ⁵	8	2	5	1
Wisconsin Secure Program Facility	9	0	8	1
Total	281	48	199	34

2018 Total Staff-on-Offender Sexual Abuse and Sexual Harassment Allegations By Facility and Disposition				
Facility	Total	Substantiated	Unsubstantiated	Unfounded
Black River Correction Center	0	0	0	0
Chippewa Valley Correctional Treatment Facility	1	0	0	1
Columbia Correctional Institution	6	0	5	1
Dodge Correctional Institution	10	0	6	4
Drug Abuse Correctional Center	0	0	0	0
Ethan Allen School ³	0	0	0	0
Felmers O. Chaney Correctional Center	0	0	0	0
Flambeau Correctional Center	0	0	0	0
Fox Lake Correctional Institution	1	0	1	0
Gordon Correctional Center	0	0	0	0
Green Bay Correctional Institution	5	0	2	3
Grow Academy ⁴	0	0	0	0
Jackson Correctional Institution	3	0	1	2
John C. Burke Correctional Center	2	0	2	0
Kenosha Correctional Center	0	0	0	0
Kettle Moraine Correctional Institution	8	1	3	4
Lincoln Hills/Copper Lake School ⁴	5	0	3	2
Marshall E. Sherrer Correctional Center	1	0	1	0
McNaughton Correctional Center	0	0	0	0
Milwaukee Secure Detention Facility	7	0	6	1
Milwaukee Women's Correctional Center	0	0	0	0
New Lisbon Correctional Institution	0	0	0	0
Oakhill Correctional Institution	5	1	1	3
Oregon Correctional Center	0	0	0	0
Oshkosh Correctional Institution	3	1	0	2
Prairie du Chien Correctional Institution	0	0	0	0
Racine Correctional Institution/ Sturtevant Transitional Facility	8	0	1	7
Racine Youthful Offender Correctional Facility	2	0	2	0
Red Granite Correctional Institution	4	0	2	2
Robert E. Ellsworth Correctional Center	3	1	1	1
Sanger B. Powers Correctional Center	0	0	0	0
St. Croix Correctional Center	0	0	0	0
Stanley Correctional Institution	1	0	1	0
Taycheedah Correctional Institution	2	0	1	1
Thompson Correctional Center	2	1	0	1
Waupun Correctional Institution	19	0	6	13
Winnebago Correctional Center	1	0	1	0
Wisconsin Resource Center ⁵	5	1	2	2
Wisconsin Secure Program Facility	11	0	4	7
Total	115	6	52	57

ANNUAL COMPARISON DATA

TOTAL ALLEGATIONS 2018 TO PREVIOUS YEAR⁶

The following tables display the changes in total allegations, total sexual abuse allegations, and total sexual harassment allegations, by disposition and division, from 2018 to previous year data.

CHANGES IN SEXUAL ABUSE ALLEGATIONS (2017 TO 2018)		
Disposition	DAI	DJC
Substantiated	-16	+6
Unsubstantiated	+4	-12
Unfounded	-30	0
Ongoing ⁷	+32	0

CHANGES IN SEXUAL ABUSE ALLEGATIONS (2017 TO 2018)		
Disposition	DAI	DJC
Substantiated	-16	+6
Unsubstantiated	+4	-12
Unfounded	-30	0
Ongoing ⁷	+32	0

CHANGES IN SEXUAL HARASSMENT ALLEGATIONS (2017 TO 2018)		
Disposition	DAI	DJC
Substantiated	+1	0
Unsubstantiated	+27	-4
Unfounded	-15	0
Ongoing ⁷	+16	0

CONTRACT FACILITY SEXUAL ABUSE AND SEXUAL HARASSMENT DATA

WI DOC contracts for the confinement of offenders who are in the custody of DAI and for offenders who are on community supervision. The following table illustrates the reported incidents of alleged offender-on-offender and staff-on-offender sexual abuse and sexual harassment, by disposition and contracted agency, in 2018.

2018 Total Sexual Abuse and Sexual Harassment Allegations By Contract Facility and Disposition				
Contract Facility	Total	Substantiated	Unsubstantiated	Unfounded
ARC Community Services	1	1	0	0
Attic Correctional Services	2	2	0	0
Fond du Lac County Jail	3	0	0	3
Genesis	0	0	0	0
Jefferson County Jail	4	0	4	0
Joshua Glover Residential Reentry Center	1	0	1	0
Juneau County Jail	1	1	0	0
Lutheran Social Services	4	2	1	1
Milwaukee County House of Correction	39	3	23	13
Oneida County Jail	0	0	0	0
Ozaukee County Jail	0	0	0	0
Portage House	0	0	0	0
Racine County Jail	3	1	1	1
Rock Valley Community Programs	1	0	1	0
Ryan Community	0	0	0	0
Sauk County Jail	4	2	2	0
Vernon County Jail	1	1	0	0
Vilas County Jail	4	0	0	4
Total	68	13	33	22

LOOKING FORWARD

In 2018, the Wisconsin Department of Corrections made comprehensive strides towards meeting each PREA standard. The agency's summary of annual achievements serves as evidence of this effort. Agency and facility solutions alike strengthened the foundation of compliance this year; all of which prepared the agency and facilities for external PREA audits.

Looking forward, the agency anticipates building on this momentum by:

- Implementing SINC in the agency's remaining 31 facilities;
- Enhancing SINC under the guidance of an agency-level workgroup and with consideration of investigation best practice, facility feedback, and agency business process;
- Continuing participation in a multi-state circular auditing consortium;
- Training additional sexual abuse and sexual harassment investigators;
- Ensuring law enforcement agencies are committed to complying with PREA during the course of criminal investigations;
- Hosting a PREA Compliance Workshop;
- Monitoring for contracted community corrections facilities;
- Analyzing transgender placement best practices; and
- Updating and creating policy where applicable.

These action items, in concert with the Wisconsin Department of Correction's commitment to zero tolerance will improve our ability to prevent, detect, and respond to sexual abuse and sexual harassment in our confinement facilities.



Kevin A. Carr
Secretary
Wisconsin Department of Corrections

¹ Inmates and youth are collectively referred to herein as "offenders," unless noted, at which time they will be referred to as inmate or youth.

² Staff, contractors, and volunteers are referred to herein as "staff" or "staff members."

³ Ethan Allen School closed in 2011. Alleged incidents of sexual abuse or sexual harassment reflected in the table occurred while the facility was operational; the allegations were received and investigated in 2018.

⁴ Denotes a youth facility managed by WI DOC Division of Juvenile Corrections. The remaining facilities are adult facilities managed by WI DOC Division of Adult Institutions.

⁵ Denotes an adult facility managed by Wisconsin Department of Health Services. This facility services WI DOC inmates and is, in part, staffed by WI DOC security staff.

⁶ Please note, 2017 data (total and by disposition) referenced in this report (pp. 10-11) is slightly different than the figures published in the preceding WI DOC Annual Report (2017). Ongoing investigations at 2017 year-end have since been closed; these allegations were moved from the "Other" category and given a proper disposition.